

**ASSEMBLY BILL**

**No. 1799**

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**Introduced by Assembly Member Fong**

February 10, 2010

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An act to amend Section 3014 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1799, as introduced, Fong. Voting: replacement ballots.

Under existing law, a voter in a vote by mail election may request and receive from the elections official a 2nd ballot if the voter provides a statement under penalty of perjury that he or she has failed to receive, lost, or destroyed the original ballot. The elections official is required to verify that the voter who receives a duplicate ballot has not attempted to vote twice. Under existing law, ballots of a voter who attempts to vote more than once in the same election are void.

This bill would remove the requirement that a voter who requests a replacement ballot provide a statement under penalty of perjury that he or she has failed to receive, lost, or destroyed the original ballot, require the elections official to verify that a replacement ballot will not be counted if a voted original ballot is received, and prohibit the processing and tallying of more than one ballot from a voter in the same election.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3014 of the Elections Code is amended  
2     to read:

1     3014. The elections official shall send a ~~second~~ *replacement*  
2     vote by mail voter ballot to any voter ~~upon receipt of a statement~~  
3     ~~under penalty of perjury that the voter who requests one and~~  
4     ~~represents that he or she~~ has failed to receive, lost, or destroyed  
5     his or her original ballot.

6     The elections official shall keep a record of each vote by mail  
7     voter ballot sent to and received from a voter and shall verify, prior  
8     to counting any ~~duplicate~~ *replacement* ballot, that the voter has  
9     ~~not attempted to vote twice. If it is determined that a voter has~~  
10    ~~attempted to vote twice, both ballots shall be void already cast a~~  
11    ~~ballot in the same election. If an original vote by mail ballot is~~  
12    ~~received from a voter who has requested a replacement vote by~~  
13    ~~mail ballot, that original ballot shall be held until such time as it~~  
14    ~~can be determined that the voter does not intend to return the~~  
15    ~~replacement ballot, after which time it can be processed and tallied~~  
16    ~~pursuant to Chapter 2 (commencing with Section 15100) of~~  
17    ~~Division 15. In no event may more than one ballot of a voter be~~  
18    ~~processed and tallied in an election.~~